



10/22/96

1806

PATENT  
Docket No. 236472000720 #13

## CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231, on October 18, 1996.

Jean Gillespie  
Jean Gillespie

R. Williams  
12/6/96

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

MICHAEL C. KIEFER et al.

Serial No.: 08/320,157

Filing Date: 07 October 1994

For: NOVEL APOPTOSIS-MODULATING  
PROTEINS, DNA ENCODING THE  
PROTEINS AND METHODS OF USE  
THEREOF

Examiner: ~~B. Stanton~~

Group Art Unit: 1804

1806

EBERT, RAY

RECEIVED

OCT 30 1996

GROUP 1800

18X  
9/13SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The references listed below were cited in an International (PCT) Search Report dated October 3, 1996, directed to the corresponding PCT Application No. PCT/US 96/05639. A copy of the Search Report, including an indication of the purported relevance of the cited documents, is included herewith. Copies of the references and a completed PTO-1449 form are also submitted. The Examiner is requested to make these references of record in the application. The references include:

International (PCT) Patent Publication No. WO 95/05738 (03/02/95).

Hickish et al., "Ultrastructural localization of BHRF1: An Epstein-Barr virus gene product which has homology with bcl-2" *Cancer Research* (1994) 54:2808-2811.

Tarodi et al., "Epstein-Barr virus BHRF1 protein protects against cell death induced by DNA-damaging agents and heterologous viral infection" *Virology* (1994) 201:404-407.

International (PCT) Patent Publication No. WO 95/15084 (06/08/95).

The Examiner is requested to note that the remaining references listed on the enclosed Search Report were previously disclosed in Information Disclosure Statements dated November 7, 1995 or March 23, 1995, 1995, both directed to the above-identified patent application. Accordingly, copies of these references are not enclosed herewith.

This Supplemental Information Disclosure Statement is submitted before receipt of the first Office Action on the Merits. Therefore, the undersigned believes that no fee is required. However, the Commissioner is hereby authorized to charge any fees that may be required by this paper to **Deposit Account No. 03-1952**.

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

This Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information,

protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

Dated: October 17, 1996

Respectfully submitted,

By: Susan Lehnhardt  
Susan K. Lehnhardt  
Registration No. 33,943

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (415) 813-5600  
Facsimile: (415) 494-0792